

**FILED**

Lyle W. Cayce  
Clerk

No. 23-40217

*Plaintiffs—Appellees,*

*versus*

*Defendants—Appellants,*

*Plaintiffs—Appellees,*

*versus*

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; XAVIER BECERRA, *Secretary, U.S. Department of Health and Human Services*; UNITED STATES DEPARTMENT OF THE TREASURY; JANET YELLEN, *Secretary, U.S. Department of Treasury*; UNITED STATES DEPARTMENT OF LABOR; JULIE A. SU, *Acting Secretary, U.S. Department of Labor*; UNITED STATES OFFICE OF PERSONNEL MANAGEMENT; KIRAN AHUJA,

No. 23-40217

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:22-CV-372  
USDC No. 6:22-CV-373

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Before KING, JONES, and OLDHAM, *Circuit Judges*.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that Appellants pay to Appellees the costs on appeal to be taxed by the Clerk of this Court.

KING, *Circuit Judge*, concurring in part and concurring in the judgment.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.



Certified as a true copy and issued  
as the mandate on Sep 24, 2024

Attest: *Jyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit